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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,461	02/06/2004	George Ku	MR3015-70	5740
4586	7590	10/19/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			HOWELL, DANIEL W	
			ART UNIT	PAPER NUMBER
			3722	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/772,461	KU ET AL.	
	Examiner	Art Unit	
	Daniel W. Howell	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cukelj

(5,655,858) in view of Purves (1,465,721). Figure 1 of Cukelj has two large cylindrical pieces which schematically represent the drive motor and transmission. A bit 21 is held in a chuck, and pinion shaft 16 engages with a rack in order to move the bit up and down. In addition to the right hand feed system 23, figures 1-3 show an auxiliary handle 96 which is placed on the opposite end of shaft 16. Key/linking element 94 engages in groove 92 of the shaft 16, such that the two hubs are rotated simultaneously. As stated at column 2, lines 35+, handles may be installed on both the left and right side of the shaft 16 in order to provide two handed operation. While a return spring has been considered to be standard equipment for decades, Cukelj does not explicitly show it. Purves does show this conventional return spring 21 located around pinion shaft 12, and it is considered to have been obvious to have provided Cukelj with such a spring in order to return the feed handles to the home position. Further, Purves shows left and right hubs 18 having a plurality of holes 19 for reception of a plurality of handles 20. It is useful to have multiple handles on a hub, as turning a single handle can get awkward if the tool is fed axially for a long distance. In view of this teaching of Purves, it is considered to have been obvious to have provided Cukelj with a plurality of handles to aid in feeding the bit a relatively longer distance.

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3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cukelj (5,655,858) in view of Henkel (3,257,909). Figure 1 of Cukelj has two large cylindrical pieces which schematically represent the drive motor and transmission. A bit 21 is held in a chuck, and pinion shaft 16 engages with a rack in order to move the bit up and down. In addition to the right hand feed system 23, figures 1-3 show an auxiliary handle 96 which is place on the opposite end of shaft 16. Key/linking element 94 engages in groove 92 of the shaft 16, such that the two hubs are rotated simultaneously. As stated at column 2, lines 35+, handles may be installed on both the left and right side of the shaft 16 in order to provide two handed operation. While a return spring has been considered to be standard equipment for decades, Cukelj does not explicitly show it. Henkel does show this conventional return spring 145 located around pinion shaft 112, and it is considered to have been obvious to have provided Cukelj with such a spring in order to return the feed handles to the home position. Further, Henkel shows hub 24 having a plurality of levers 148. It is useful to have multiple handles/levers on a hub, as turning a single handle can get awkward if the tool is fed axially for a long distance. In view of this teaching of Henkel, it is considered to have been obvious to have provided Cukelj with a plurality of handles to aid in feeding the bit a relatively longer distance.

4. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Boyer Ashley, may be reached at 571-272-4502.

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In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in black ink, appearing to read 'Howell', is positioned above the printed name.

Daniel W. Howell
Primary Examiner
Art Unit 3722